

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

BRIAN PIERCE,	:	
	:	
Plaintiff,	:	
	:	
v.	:	Civil Action No. 03-173E
	:	Judge Sean J. McLaughlin
PENNSYLVANIA DEPARTMENT OF CORRECTIONS,	:	Magistrate Judge Susan Paradise Baxter
	:	
	:	
Defendant.	:	

MOTION FOR SUMMARY JUDGMENT

AND NOW, comes the defendant, Pennsylvania Department of Corrections, by attorneys, Thomas W. Corbett Jr., Attorney General, Craig E. Maravich, Deputy Attorney General, Susan J. Forney, Chief Deputy Attorney General, Chief, Litigation Section, and files the following:

Defendants move for summary judgment based on the pleadings, depositions, answer to interrogatories, submissions, admissions on file, affidavits, or other declarations under penalty of law and other evidence which show that there is no genuine issue as to any material fact and that the moving party is entitled to a judgment as a matter of law.

CONCLUSION

WHEREFORE, it is respectfully requested the be granted.

Respectfully submitted,

THOMAS W. CORBETT JR.
Attorney General

By: /s/ Craig E. Maravich
CRAIG E. MARAVICH
Deputy Attorney General
Attorney I.D. No. 86219

Office of Attorney General
564 Forbes Avenue, Manor Complex
Pittsburgh, PA 15219
Phone: (412) 565-2794
Fax: (412) 565-3028

Susan J. Forney
Chief Deputy Attorney General
Chief, Litigation Section

Date: August 9, 2005

CERTIFICATE OF SERVICE

I hereby certify that on August 9, 2005, I electronically filed the foregoing *Motion for Summary Judgment* with the Clerk of Court using the CM/ECF system. And I hereby certify that I have mailed the foregoing document by United States Postal Service to the following non CM/ECF participants:

Neal A. Sanders, Esq.
LAW OFFICES OF NEAL SANDERS
1924 North Main Street Extension
Butler, PA 16001

/s/ Craig E. Maravich
CRAIG E. MARAVICH
Deputy Attorney General

OFFICE OF ATTORNEY GENERAL
564 Forbes Avenue, Manor Complex
Pittsburgh, PA 15219
(412) 565-2794 phone
(412) 565-3028 fax

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